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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,448	09/19/2003	Wen Chuan Liu	1041AAL	4527

7590

05/05/2005

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EXAMINER

CAO, ALLEN T

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/664,448

Applicant(s)

LIU, WEN CHUAN

Examiner

Allen T Cao

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2652

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Itoigawa et al (US. 5,824,385).

Itoigawa et al discloses a disk device having a first disc (top layers 1-3); a second disc (bottom layers 1-3); and a bonding layer 4 applied between the first disc and the second disc, to secure the first disc and the second disc together (column 3, lines 23-25), and to allow both the first disc and the second disc to store information or data or signals therein (column 3, lines 11-19) as set forth in claim 1.

Regarding claim 2, Itoigawa et al discloses that each of the first disc and the second disc includes a protective layer 3 engaged with the bonding layer, and secured together with the bonding layer.

Regarding claim 3, Itoigawa et al discloses that each of the first disc and the second disc includes a reflective metalized layer 2 (column 3, lines 41-42) for storing the information or data or signals therein.

Regarding claim 8, Itoigawa et al discloses that the reflective metalized layer of each of the first disc and the second disc includes at least one track formed therein for storing the information or data or signals therein.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoigawa et al in view of van de Grampel et al (US. 6,790,501 B2).

Itoigawa et al does not disclose that each of the first and the second disc includes a dye layer applied onto the reflective metalized layer as set forth in claim 4.

Van de Grampel et al discloses an optical disc device having a metal reflective layer 24 and a layer comprising a dye (dye layer), see column 2, lines 15-16 and claim 1, line 6, applied onto the reflective layer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the disc device of Itoigawa et al with a dye layer as taught by van de Grampel et al.

The rationale is as follows: One of ordinary skill in the art would have been motivated to provide the disc device of Itoigawa et al with a dye layer as taught by van de Grampel et al improve light of wavelength absorbing characteristics in order to improve read/write characteristics of the device.

Regarding claim 6, van de Grampel et al also discloses a basic covering layer 21 applied onto the dye layer. Itoigawa et al also discloses a basic covering layer 1.

Regarding claim 7, both Itoigawa et al and van de Grampel et al disclose that the basic covering layer is made of polycarbonate.

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5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoigawa et al and van de Grampel et al as applied to claim 4 above, and further in view of Iida et al (US. 5,702,792).

Itoigawa et al as modified by van de Grampel et al do not explicitly disclose that the dye layer 23 includes at least one track formed therein.

Iida et al discloses each of disc of a double sided disc device having a dye layer 2 including at least one track formed therein.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to explicitly indicate that the dye layer of Itoigawa et al as modified by van de Grampel et al includes at least one track formed therein as taught by Iida et al for easily and stably formed during the manufacturing of the disc.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen T Cao whose telephone number is (571) 272-7569. The examiner can normally be reached on Mon - Thurs (7:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen Cao  
Primary Examiner

AC  
April 25, 2005